

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ OCT 23 2018 ★  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AB DISCOUNT DEPOT LLC and  
AHMED MANSHA,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES,

Defendant.

**STIPULATION AND  
ORDER OF DISMISSAL  
WITH PREJUDICE**

Civil Action No.  
CV-18-4383

(Amon, J.)  
(Reyes, M.J.)

-----X

**WHEREAS**, plaintiffs filed the above-captioned action seeking judicial review of United States Citizenship and Immigration Services' ("USCIS") decision of April 19, 2018, which granted AB Discount Depot LLC's motion to reopen and reconsider USCIS' decision of February 7, 2018, but again denied its Form I-140, Immigrant Petition for Alien Worker (Reference No. LIN 169-083-7347) ("the Form I-140"), filed on behalf of Ahmed Mansha;

**IT IS STIPULATED AND AGREED**, by and between the parties, that:

1. USCIS will promptly re-open the Form I-140;
2. Once the Form I-140 is re-opened, USCIS intends to re-adjudicate the Form I-140;
3. In connection with its commitment to re-adjudicate the Form I-140, USCIS states that the involved business entities have a qualifying relationship and that the relevant overseas' position was managerial in nature;

4. Within 15 days of this stipulation and order of dismissal being filed with the Court, USCIS shall, in connection with its re-adjudication of the Form I-140, issue a Request for Evidence (the "RFE"). The RFE will seek evidence regarding whether the offered position in the United States meets the requirements of a qualifying managerial position.
5. As soon as a delivery tracking number for plaintiffs' RFE-response-package is provided by the shipper, plaintiffs, through their undersigned counsel, shall, by email, convey that delivery tracking number to the undersigned counsel for defendant.
6. Within 30 days of USCIS' receipt of plaintiffs' response to the RFE, USCIS shall issue a decision on the (reopened) I-140.
7. This action shall be dismissed with prejudice, with each party to bear its own costs, expenses, and fees.

*[INTENTIONALLY LEFT BLANK]*

8. The Clerk of the Court is directed to enter judgment accordingly.

Dated: New York, New York  
17<sup>th</sup> day of OCTOBER, 2018

MICHAEL E. PISTON, ESQ.  
*Attorney for Plaintiffs*  
225 Broadway, Suite 307  
New York, NY 10007

By: 

Michael E. Piston, Esq.  
(646) 845-9895  
michaelpiston4@gmail.com

Dated: New York, New York  
17<sup>th</sup> day of OCTOBER, 2018

RICHARD P. DONOGHUE  
United States Attorney  
*Attorney for Defendant*  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

By: 

Ronald W. Kish  
Sp. Assistant U.S. Attorney  
(646) 682-8018  
ronald.w.kish@uscis.dhs.gov

SO ORDERED this  
22<sup>nd</sup> day of Oct, 2018

s/Carol Bagley Amon

  
HONORABLE CAROL BAGLEY AMON  
United States District Judge